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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Draft resolution

Prevention and peaceful settlement of disputes

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also Chapter VI of the Charter of the United Nations, in particular Article 33, and underlining the obligation of Member States to seek a solution to their disputes by peaceful means of their own choice,

Recalling further the principles in the United Nations Millennium Declaration[1] and the Declaration of the Security Council on Ensuring an Effective Role for the Security Council in the Maintenance of International Peace and Security, particularly in Africa,[2] adopted during the United Nations Millennium Summit,

Recalling the Manila Declaration on the Peaceful Settlement of International Disputes,[3] the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,[4] the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security,[5] the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,[6] and the United Nations Model Rules for the Conciliation of Disputes between States,[7] elaborated by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and adopted unanimously by the General Assembly,

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[1] Resolution 55/2.
[2] Security Council resolution 1318 (2000), annex.
[3] Resolution 37/10, annex.
[4] Resolution 43/51, annex.
[5] Resolution 46/59, annex.
[6] Resolution 49/57, annex.
[7] Resolution 50/50, annex.

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Noting with appreciation the work done by the Special Committee on the Charter to encourage States to focus on the need to prevent and to settle peacefully their disputes, which are likely to endanger the maintenance of international peace and security,

Emphasizing the importance of early warning in order to prevent disputes, and emphasizing also the need to promote the peaceful settlement of disputes,

Recalling the various procedures and methods available to States for the prevention and the peaceful settlement of their disputes, including those provided for in Article 33 of the Charter, as well as monitoring, fact-finding missions, goodwill missions, special envoys, observers and good offices,

Recalling in particular its previous relevant declarations and resolutions concerning dispute prevention, in which, inter alia, it called upon the Secretary-General to make full use of the information-gathering capabilities of the Secretariat and emphasized the need to strengthen the capacity of the United Nations in the field of preventive diplomacy,

Recalling its previous relevant resolutions and decisions concerning dispute settlement, including resolution 2329 (XXII) of 18 December 1967, in which it requested the Secretary-General to prepare a register of experts whose services States parties to a dispute might use for fact-finding in relation to the dispute, decision 44/415 of 4 December 1989, the annex to which contains a draft document on resort to a commission of good offices, mediation or conciliation within the United Nations, and resolution 50/50 of 11 December 1995, the annex to which contains the United Nations Model Rules for the Conciliation of Disputes between States,

Noting with satisfaction that, pursuant to the recommendation contained in its resolution 47/120 A of 18 December 1992, the Secretary-General established a list of eminent and qualified experts for his use in fact-finding and other missions, and that this list has recently been updated,

Recalling that certain multilateral treaties provide for the creation of lists of conciliators and arbitrators for use by States in the settlement of their disputes,

Reaffirming the important role played by judicial mechanisms, in particular the International Court of Justice and the International Tribunal for the Law of the Sea, in the settlement of disputes between States,

1. *Urges* States to make the most effective use of existing procedures and methods for the prevention and settlement of their disputes peacefully, in accordance with the principles of the Charter of the United Nations;

2. *Reaffirms* the duty of all States, in accordance with the principles of the Charter of the United Nations, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible;

3. *Draws the attention* of States to the important roles played by the Security Council, the General Assembly and the Secretary-General in providing early warning and in working for the prevention of disputes and situations which might threaten international peace and security;

4. *Takes note* of the paper prepared by the Secretariat entitled "Mechanisms established by the General Assembly in the context of dispute prevention and settlement";[8]

5. *Urges* the continued enhancement of the concrete steps taken by the Secretariat to build and improve the capacity of the United Nations to respond effectively and efficiently in matters relating to dispute prevention, including through the strengthening of cooperative mechanisms for information-sharing, planning and development of preventive measures; the development of a comprehensive plan for a revived early-warning and prevention system for the United Nations; training intended to support such enhanced capabilities in these areas; and cooperation with regional organizations;

6. *Encourages* States to nominate suitably qualified persons who are willing to provide fact-finding services, for inclusion in the register set up by the Secretary-General pursuant to paragraph 4 of its resolution 2329 (XXII);

7. *Encourages* eligible States to also nominate suitably qualified persons to have their names included in the lists of conciliators and arbitrators provided for under certain treaties, including the Vienna Convention on the Law of Treaties[9] and the United Nations Convention on the Law of the Sea;[10]

8. *Requests* the Secretary-General to take such steps as he deems necessary from time to time to encourage States to designate suitably qualified persons for inclusion in the various lists referred to above which he has the responsibility to maintain;

9. *Reminds* States that have not yet done so that they may at any time make a declaration under Article 36, paragraph 2, of the Statute of the International Court of Justice with regard to its compulsory jurisdiction in relation to any other State accepting the same obligation, and encourages them to consider doing so.

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[8] A/AC.182/2000/INF.2.

[9] United Nations, *Treaty Series*, vol. 1155, No. 18232.

[10] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).